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OFFICE

CC: 96-45

November 10, 1999

ATTORNEY - AT FAG. LIT

via Hand Delivery

Irene Flannery, Chief
Accounting Policy Division
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

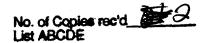
Re: Request for Refund for Intrastate Universal Service Contributions

Dear Ms. Flannery:

Pan Am Wireless, Inc. ("Pan Am"), by its attorneys, hereby requests a total refund of its intrastate universal service contributions for the period of January 1, 1998 through October 31, 1999. Since January, 1998, the Commission's universal service administrator, the Universal Service Administrative Company ("USAC") has billed Pan Am on a monthly basis for universal service contributions, based in part on Pan Am's intrastate end-user revenues. Pan Am's monthly itemized universal service bills, covering the period of January, 1998, through October, 1999, and copies of corresponding checks, are attached hereto as Exhibit One.

The Commission requires universal service contributors to submit biannual worksheets, listing their end-user telecommunications revenues for the various filing periods. Pan Am's worksheets are attached hereto as Exhibit Two. Based on the information contained in the worksheets, the Commission establishes two quarterly contribution factors that are used to calculate each contributor's universal service charges. One of the contribution factors has been applied to contributors' intrastate, interstate and international end-user telecommunications

E-MAIL: jandjlaw@aol.com INTERNET: www.jandjlaw.com Main Office 1019 19th Street, NW Fourteenth Floor Washington, DC 20036 202-457-0100 Fax 202-457-0186 Potomac, MD Alexandria, VA



¹ Sec 47 C.F.R. § 54.711(a).

² Pan Am has attached five universal service worksheets: four FCC Forms 457, and one FCC Form 499-S. The FCC Forms 457 collectively contain Pan Am's end-user revenue information for the period of January 1, 1997 through December 31, 1998. The Form 499-S contains Pan Am's end-user revenue information for the period of January 1, 1999 through July 31, 1999.

³ See 47 C.F.R. § 54.709(a).

Irene Flannery, Chief FCC November 10, 1999 Page 2

revenues to calculate contributions for schools and libraries, and rural health care support mechanisms.⁴ USAC applies the contribution factors to contributors' end-user revenue bases and bills them monthly.⁵

As shown by Exhibits One and Two, USAC has based Pan Am's contributions for schools and libraries, and rural health care support mechanisms, on its total end-user monthly and activation charge revenues, a large percentage of which are intrastate revenues.

On July 30, 1999, the United States Court of Appeals for the Fifth Circuit vacated the Commission's jurisdiction to assess universal service contributions based in part on the intrastate revenues of universal service contributors. <u>Texas Office of Public Utility Counsel v. FCC</u>, 183 F.3d 393, 448 (5th Cir. 1999). Consequently, the Commission does not and did not have jurisdictional authority to assess universal service contributions based on the intrastate revenues of universal service contributors.⁸

Pan Am has contributed a total of \$201,200.78 to the schools and libraries and rural health care support mechanisms. See Exhibit One. Because the Commission lacks authority to base universal service contributions on intrastate revenues, Pan Am requests that Commission refund

⁴ Id.

⁵ <u>Id.</u>

⁶ These contributions correspond to the amounts listed by Pan Am on line 39(a) in the revised FCC Form 457 it filed in November, 1997; line 48(a) in the FCC Form 457 it filed in March, 1998; line 49(a) in the FCC Form 457 it filed in August, 1998; line 49(a) in the FCC Form 457 it filed in March, 1999; and line 115 in the FCC Form 499-S it filed in August, 1999. Pan Am has confirmed this by applying the quarterly contribution factors to the revenue figures in the appropriate worksheets, and checking the resulting figures against the monthly universal service bills. In the interest of brevity, the calculations are not provided here. They will, however, be provided to the Commission and/or USAC upon request.

⁷ The corresponding columns (b) on the attached worksheets show the percentage of Pan Am's total revenues that are interstate and international.

⁸ In light of the Fifth Circuit's ruling, the Commission has eliminated intrastate revenues from its universal service contribution base. <u>See</u> Federal-State Joint Board on Universal Service, <u>Sixteenth Order on Reconsideration in CC Docket No. 96-45</u>, <u>Eighth Report and Order in CC Docket 96-45</u>, <u>Sixth Report and Order in CC Docket 96-262</u>, FCC 99-290 at ¶ 15 (1999).

Irene Flannery, Chief FCC November 10, 1999 Page 3

all of the intrastate portion of the universal service contributions that Pan Am had been previously required to submit.9

As illustrated by the table below, based on the percentage of Pan Am's intrastate revenues upon which USAC established Pan Am's contributions for schools and libraries, and rural health care support mechanisms, Pan Am requests a total refund of \$160,591.24.

Billing Period	Total Amount Paid For Schools & Libraries and Rural Health Care Support	Percentage Intrastate Revenue	Refund Requested
1/98 - 6/98	\$52,436.46	72.2%	\$37,859.12
7/98 - 12/98	\$49,515.18	71.9%	\$35,601.41
1/99 - 6/99	\$46,100.10	88.04%	\$40,586.53
7/9 9 - 10/99	\$53,169.04	87.54%	\$46,544.18

Pan Am requests that its refund be sent to the attention of Luis G. Romero Font at the following address: Pan Am Wireless, Inc., P.O. Box 11881, San Juan, PR 00922-1881.

Thank you for your prompt attention to this matter. If you have any questions, kindly contact the undersigned.

Frederick M. Joyce/ Christine McLaughlin Ronald E. Quirk, Jr.

Counsel to Pan Am Wireless, Inc.

Enclosures

⁹ <u>See</u> 47 C.F.R. § 54.709.



100 South Jefferson Road Whippany, NJ 07961

Date: 01/15/98

Invoice #: 2760 Company: 808944

RECIBIDO

JAN 2 9 1998

CONTABILIDAD

PanAm Wireless P. O. Box 11881 San Juan, PR 00922-1881

Attn: Luis G. Romero Font

Mail Payment to: BY: Universal Service Administrative Company P.O. Box 371719

Pittsburgh, PA 15251-7719 RECIBIDO

JAN 3 0 1998

STATEMENT OF ACCOUNT

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	Detail of Charges	Amount	
Date	Previous Month's Balance	\$0.00	
01/14/98	High Cost Fund Low Income Fund Schools & Libraries Fund Rural Health Care Fund	\$8,124.88 \$2,345.19 \$7,849.12 \$654.09	
	Total Charges		\$18,973.28

----Detail of Payments----

Date

Amount

Total Payments Received

\$0.00

Total Amount Due USAC

CONTABILIDAD \$18,973.28

Payment is due by 02/16/98

Please remit pink copy with payment to ensure proper credit.

(973) 560-4400 Direct questions to the USAC Administrator

8431-3100



PO BOX 11881 SAN JUAN, PR 00922-1881 TEL (787) 792-2323

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THE CHASE MANNATTAN BANK NA PO BOX 361990 SAN JUAN, PR 00936-1990

016159

CHECK AMOUNT

PAY

EIGHTEEN THOUSAND NINE HUNDRED THIRTEEN***** AND 28/100 DOLLARS************

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CHECK TOTAL

PANAM WIRELESS, INC. PO BOX 11881 SAN JUAN, PR 00922-1881 TEL (787) 792-2323

THE CHASE MANHATTAN BANK NA PO BOX 361990

SAN JUAN, PB '00936-1990

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Date: 02/23/98 Invoice #: 14302 Company: 808944



PanAm Wireless P. O. Box 11881 San Juan, PR 00922-1881

Attn: Luis G. Romero Font

Mail Payment to: Universal Service Administrative Company P.O. Box 371719 Pittsburgh, PA 15251-7719

STATEMENT OF ACCOUNT

	Petail of Charges	Amount	
Date	Previous Month's Balance	\$18,973.28	
02/18/98	High Cost Fund	\$8,124.88	
02/18/98	Low Income Fund	\$2,345.19	
02/18/98	Schools & Libraries Fund	\$7,849.12	
02/18/98	Rural Health Care Fund	\$654.09	
	Total Charges		\$37,946.56

----Detail of Payments----

Date 02/09/98 Amount \$18,913.28

Total Payments Received

\$18,913.28

Total Amount Due USAC

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Payment is due by 03/17/98

Please remit pink copy with payment to ensure proper credit.

Transactions occurring after 02/20/98 are not reflected on this statement

Direct questions to the USAC Administrator - 1973) 560-4400

PO BOX 11881 SAN JUAN, PR 00922-1881

TEL. (787) 792-2323

THE CHASE MANHATTAN BANK NA PO BOX 361990

SAN JUAN, PR 00936-1990

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Invoice #: 23233 Company: 808944



PanAm Wireless P. O. Box 11881 San Juan, PR 00922-1881

Mail Payment to: Universal Service Administrative Company P-D- Box 371719 Pittsburgh, PA 15251-7719

Attn: Luis G. Romero Font

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STATEMENT OF ACCOUNT

	Detail of Charges	A mount
Date	Previous Month's Balance	\$19,033.28
03/18/98	High Cost Fund Charges	\$8,124.88
03/18/98	Low Income Fund Charges	\$2,345.19
03/18/98	Schools & Libraries Fund Charg	\$7,849.12
03/18/98	Rural Health Care Fund Charges	\$654.09

Total Charges

----Detail of Payments----

Date 03/02/98 03/16/98

A mount \$60.00 \$18,973.28

Total Payments Received

\$19,033.28

\$38,006.56

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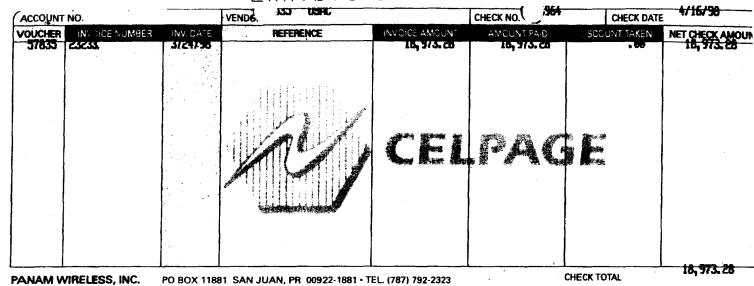
Total Amount Due USAC

CONTABLICAL \$ 18,973.28

Payment is due by 04/16/98 Please remit pink copy with payment to ensure proper credit.

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Direct questions to the USAC Administrator - (973) 560-4400



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Pate: 04/20/98 Invoice #: 967 Company: 808944

PanAm Vireless, Inc. P. O. Box 11881 San Juan, PR 00922 1881

Attn: Luis 6. Romero-Font

Mail Payment to: Universal Service Administrative Company P.O. Box 371719 Pittsburgh, PA 15251-7719

STATEMENT OF ACCOUNT

	Detail of Charges	Amount	
Date	Previous Month's Balance	\$18,973.28	
04/17/98	High Cost Fund Charges	\$8,026.93	
04/17/98	Low Income Fund Charges	\$2,279.04	
04/17/98	Schools & Libraries Fund Charg	\$8,334.49	
	Rural Health Care Fund Charges	\$641.12	
	Late Payment Charge	\$18.97	
	Total Charges		\$38,273.83

-----Detail of Payments-----

Date

MAY 0 6 1998

Total Payments Received

CONTABILIDAD \$0.00

Total Amount Due USAC

\$ 38,273.83

Payment is due by 05/15/98

Please remit pink copy with payment to ensure proper credit.

Transactions occurring after 04/16/98 are not reflected on this statement

Direct questions to the USAC Administrator - (973) 560-4400

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PANAM WIRELESS, INC.

PO BOX 11881 SAN JUAN, PR 00922-1881 • TEL. (787) 792-2323

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PANAM WHELESS, INC. PO BOX 11881 SAN JUAN, PR 00922-1881 TEL 1787) 792-2323

THE CHASE MANHATTAN BANK NA PO BOX 361990 SAN JUAN, PR 00936-1990

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Date: 05/18/98

Invoice #: 41468 Company: 808944

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BY:_____

PanAm Wireless, Inc. P.O. Box 11881 San Juan, PR 00922 1881

Attn: Luis 6. Romero-Font

Mail Payment to: Universal Service Administrative Company P.O. Box 371719 Pittsburgh, PA 15251-7719

STATEMENT OF ACCOUNT

	Detail of Charges	Amount	
Date	Previous Month's Balance	\$19,300.55	
05/18/98	High Cost Fund Charges	\$8,026.93	
05/18/98	Low Income Fund Charges	\$2,279.04	
05/18/98	Schools & Libraries Fund Charg	\$8,334.49	
	Rural Health Care Fund Charges	\$641.12	
	Total Charges		\$38,582.13

----Detail of Payments----

Date 05/14/98 Amount \$19.300.55

Total Payments Received

\$19,300.55

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Total Amount Due USAC

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19,281.58

Payment is due by 06/17/98

Please remit pink copy with payment to ensure proper credit.

Transactions occurring after 06/17/98 are not reflected on this statement

Direct questions to the USAC Administrator - (973) 560-4400

PO BOX 11881 SAN JUAN, PR 00922-1881 • TEL. (787) 792-2323

CHECK TOTAL

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PANAM WIRELESS, INC.

PO BOX 11881 SAN JUAN, PR 00922-1881 TEL (787) 797-2323

THE CHASE MANHATTAN BANK PO BOX 361890 SAN JUAN, PR 00936-1990

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Invoice #= 50581 Company: 808944

PanAm Wireless, Inc. P.D. Box 11881 San Juan, PR 00922 1881

Attn: Luis & Romero-Font

Mail Payment to: Universal Service Administrative Company P.O. Box 371719 Pittsburgh, PA 15251-7719

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STATEMENT OF ACCOUNT

Date Previous Nonth's Balance \$19,281.58

O6/18/98 High Cost Fund Charges \$8,026.93

O6/18/98 Low Income Fund Charges \$2,279.04

O6/18/98 Schools & Libraries Fund Charge \$8,334.49

O6/18/98 Rural Health Care Fund Charges \$641.12

Total Charges

\$38,563.16

----Detail of Payments----

Date 06/17/98 Amount \$19,281.58

Total Payments Received

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Payment is due by 07/16/98

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Please remit pink copy with payment to ensure proper credit.

Direct questions to the USAC Administrator - (973) 560-4400

Transactions occurring after 06/18/98 are not reflected on this statement



PANAM WIRELESS INC. PO BOX 1881 SAN JUAN PR 00922 1881 TEL 1780 797-2323

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PanAm Wireless, Inc. P.O. Box 11881 San Juan, PR 00922 1881

Attn: Luis 6. Romero-Font

Mail Payment to: Universal Service Administrative Company P-O- Box 371719

Invoice #: 59799 Company: 808944

Pittsburgh, PA 15251-7719

STATEMENT OF ACCOUNT

AUG 0 7 1998

Total Charges

\$37,347.79

---- Detail of Payments----

Date 07/16/98 Payment - Check Amount \$19,281.58

Total Payments Received

\$19,281.58

Total Amount Due USAC

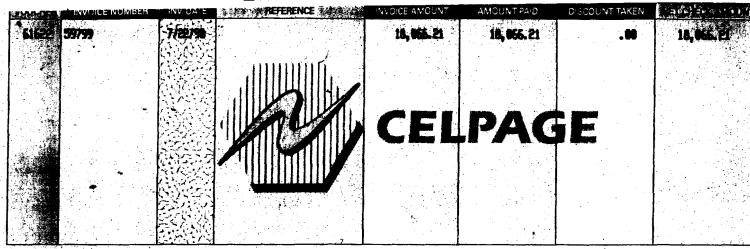
\$ 18,066.21

Payment is due by 08/17/98

Please remit pink copy with payment to ensure proper credit.

Transactions occurring after 07/17/98 are not reflected on this statement

Direct questions to the USAC Administrator - (973) 560-4400



PO BOX 11881 SAN JUAN, PR 00922-1881 • TEL. (787) 792-2323 .

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PANAM WIRELESS, INC.

PO BOX 11881 SAN JUAN PR 00922 1881 TEL 1787) 792 2323

THE CHASE MANHATTAS BANK NA PO SOX 361990 SAN JUAN PR 00936-1990

PAY

EIGHTEEN THOUSAND SIXTY-SIX AND SIX100 DOLLARS ***

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TO THE ORDER

OF PO BOX 371719

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WD 18171 CO2150 20666 707-1-118595#

CO 800944



Invoice #: 69310 Company: 808944

PanAm Wireless, Inc. P.O. Box 11881 San Juan, PR 00922 1881 Mail Payment to: Universal Service Administrative Company P.O. Box 371719 Pittsburgh, PA 15251-7719

Attn: Luis G. Romero-Font



STATEMENT OF ACCOUNT

CONTABILIDAD

Date Previous Month's Balance \$18,066.21

08/18/98 High Cost Fund Charges \$7,542.82

08/18/98 Low Income Fund Charges \$2,270.86

08/18/98 Schools & Libraries Fund Charge \$7,663.06

08/18/98 Rural Health Care Fund Charges \$589.47

Total Charges

\$36,132.42

----Detail of Payments----

Date CIBIDO

Amount

Total Payments Received

\$0.00

ADMINISTRACION

Total Amount Due USAC

\$ 36,132.42

Payment is due by 09/16/98

Please remit pink copy with payment to ensure proper credit.

ransactions occurring after 03/18/98 are not reflected on this statement

Direct questions to the USAC Administrator - (973) 560-4400



PANAM WIRELESS, INC. PO BOX 11881 SAN JUAN, PR 00922-1881 TEL 1787) 797-2323

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CO 808944

EIGHTEEN THOUSAND SIXTY-SIX AND ST/100 DOLLARS*** HECK AMOUNT

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PA 15251-7719

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Invoice #: 78962 Company: 808944

PanAm Wirelessy Inc. P.O. Box 11881 San Juany PR 00922 1881

Attn: Luis G. Romero-Font

Mail Payment to: Universal Service Administrative Company P.D. Box 371719 Pittsburgh, PA 15251-7719

STATEMENT OF ACCOUNT

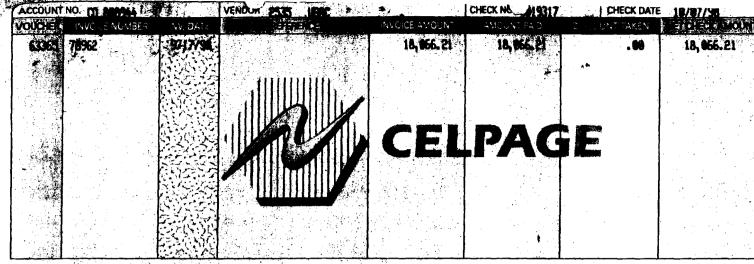
Date	Detail of Charges Previous Month's Balance	Amount \$36,132.42	Para
09/17/98 09/17/98	High Cost Fund Charges Low Income Fund Charges Schools & Libraries Fund Charg Rural Health Care Fund Charges	\$7,542.82 \$2,270.86 \$7,663.06 \$589.47	CONTABILIDAD
	Total Charges		\$54,198.63
	Detail of Payments Payment - check Payment-check	Amount \$18,066.21 \$18,066.21	
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	Total Amount Due USAC	*	18,066.21

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Please remit pink copy with payment to ensure proper credit.

Transactions occurring after 09/17/98 are not reflected on this statement

Direct questions to the USAC Administrator - 19731 560-4400



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PO BOX 11881 SAN JUAN, PR 00922-1881 • TEL. (787) 792-2323

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PANAM WIRELESS INC. PO BOX 11885 SAN JUAN PR 00922 1881 TEL (187) 7922323

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UNIVERSAL SERVICE ADMINISTRATIVE CO Company: 808744

PanAm Wireless, Inc. P. O. Box 11881 San Juan, PR 00922 1881 Mail Payment to: Universal Service Administrative Company P.O. Box 371719 Pittsburgh, PA 15251-7719

Attn: Luiz G. Romero-Font

STATEMENT OF ACCOUNT

	Detail of Charges	Amount	
Date	Previous Month's Balance	\$18,066.2i	
10/19/98 10/19/98	High Cost Fund Charges Low Income Fund Charges Schools & Libraries Fund Charg Rural Health Care Fund Charges	\$7,805.42 \$2,133.27 \$7,663.06 \$589.47	
	Total Charges		\$ 36,257.43
	Detail of Payments		
Date 10/14/98	Payment — Ck	Amount 118,066.21	
	Total Payments Received		\$18,055.21
	Total Amount Due USAC	£	18,191.22 ========
			55 1 1

Payment is due by i1/16/98

Please remit pink copy with payment to ensure proper credit. Transactions occurring after 10/19/98 are not reflected on this statement Direct questions to the USAC Administrator - (973) 560-4400

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PO BOX 11881 SAN JUAN, PR 00922-1881 • TEL. (787) 792-2323

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PANAM WITELESS INC.
PO BOX 1 1881 SAN JUAN PH 00922 1881
TEL 1787) 782-2323

THE CHASE MANHATTAN BANK NA. RO BOX 361890 SAN JUAN, PR 00536-1690

019610

CO 808944

PAY

EXCHIEEN THOUGAND DIE HUNDRED NINETY-ONE*** AND 22/190 DOLLARS*******

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TOTHE USAC ORDER DO BUX 371719

PITTSBURGH

PA 15281-7719

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Invoice #: 96602 Company: 808944

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PanAm Wireless, Inc. P.O. Box 11881 San Juan, PR 00922 1881 Mail Payment to: Universal Service Administrative Company P.O. Box 371719 Pittsburgh, PA 15251-7719

Attn: Luis 6. Rozero-Font

STATEMENT OF ACCOUNT

PDEC 1 n 1998

CONTABILIDAD

Detail of Charges	Amount	
Date Previous Month's Balance	\$18,191.22	
11/17/1998 High Cost Fund Charges	\$7,805.42	·
11/17/1998 Low Income Fund Charges	\$2,133.27	
11/17/1998 Schools & Libraries Fund Charg	\$7,663.06	•
11/17/1998 Rural Health Care Fund Charges	\$589.47	
Total Charges		\$36,382.44

----Detail of Payments----

Date 11/16/1998 Payment-Ck Amount \$18,191.22

Total Payments Received

\$18,191.22

Total Amount Due USAC

\$ 18,191.22

Payment is due by 12/17/1998

Please remit pink copy with payment to ensure proper credit.

Transactions occurring after 11/17/1998 are not reflected on this statement

Direct questions to the USAC Administrator - (973) 560-4400



PO BOX 11881 SAN JUAN, PR 00922-1881 • TEL. (787) 792-2323

CHECK TOTAL

18, 191.22

PANAM WIRELESS, INC., PO BOX 11881 SAN JUAN PR 00922-1881 TEL 1787) 797/2323

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UNIVERSAL SERVICE **ADMINISTRATIVE CO**

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Invoice #: 104818 Company: 808944

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PanAm Wireless, Inc. P-0. Box 11881 San Juana PR 00922 1881

Attn: Luis G. Romero-Font

Mail Payment to: Muniversal Service Administrative Company P.D. Box 371719 Pittsburgh. PA 15251-7719

CONTABILIDAD

STATEMENT OF ACCOUNT

CONTABILIDAD

-----Detail of Charges-----

Amount

Previous Month's Balance Date

\$18,191.22

12/18/1998 High Cost Fund Charges 12/18/1998 Low Income Fund Charges 12/18/1998 Schools & Libraries Fund Charg 12/18/1998 Rural Health Care Fund Charges

\$7.805.42 \$2,133.27 \$7,663.06

\$589.47

Total Charges

\$36,382.44

----Detail of Payments----

Date 12/14/1998 Ck - Payment

Amount \$18,191,22

Total Payments Received

\$18,191.22

Total Amount Due USAC

18,191.22 _______

Payment is due by 01/17/1999

Please remit pink copy with payment to ensure proper credit. Transactions occurring after 12/18/1998 are not reflected on this statement Direct questions to the USAC Administrator - 1973) 560-4400



PANAM WIRELESS INC. PO BOX 11885 SAN JUAN PR 00922-1881 EL 17877 792-223

THE CHASE MANNATTAN PANK HA

SAN JUAN PR 00936-1990

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PAY

CO 808944

ETHATEEN THOUSOND ONE HUNDRED NINETY-ONE******* AND 22/100 DOLLARD HARMAN AND HARMAN



TO THE VERE ORDER'

of 300 801 371719

PITTEBURGE

PA 15251-7719

USA ELPAGE

#0.20339# CO125010684 707#1#118595#



Date: 01/18/1999 Invoice #: 111599

Invoice #= 111599 Company= 808944

PanAm Wireless, Inc. P.D. Box 11881 San Juan, PR 00922 1881 Mail Payment to: Universal Service Administrative Company P.O. Box 371719 Pittsburgh, PA 15251-7719

Attn: Luis G. Romero-Font

P FER 1 n 1999

STATEMENT OF ACCOUNT

CONTABILIDAD

CONTABILIDAD

2 2 2 2 Q

---- Detail of Charges----

Amount

Date Previous Month's Balance

\$18,191.22

01/18/1999 High Cost Fund Charges 01/18/1999 Low Income Fund Charges 01/18/1999 Schools & Libraries Fund Charg \$3,830.99 \$1,250.90

\$7,750.16

Total Charges

\$31,023.27

----Detail of Payments----

Date 01/19/1999 Ck-Payment

Amount \$18,191.22

Total Payments Received

\$18,191.22

Total Amount Due USAC

\$ 12,832.05

Payment is due by 02/16/1999

Please remit pink copy with payment to ensure proper credit.

Transactions occurring after 01/19/1999 are not reflected on this statement Direct questions to the USAC Administrator - (973) 560-4400